

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

AUTO-OWNERS INSURANCE
COMPANY,

Plaintiff,

V.

SUNSHINE CAMPING CENTER, INC.,
UNION PLANTERS BANK, N.A., and/or
UNION PLANTERS BANK, N.A., n/k/a
REGIONS BANK, N.A.,

Defendants.

CIVIL ACTION NO.
1:05cv1024-T

ANSWER OF REGIONS BANK, N.A.

Regions Bank, N.A., successor in interest to Union Planters Bank, N.A. (“Regions”)

answers the “Complaint for Declaratory Relief and Judgment” as follows:

ALLEGATIONS OF THE COMPLAINT

To the specific allegations of the Complaint, Regions states:

JURISDICTIONAL ALLEGATIONS

1. Regions is without sufficient information to admit or deny the allegations of this paragraph.
2. Based upon information and belief, admitted.
3. Admitted.
4. Admitted.

COUNT 1

5. Regions readopts and realleges as fully set forth herein at length its answers to paragraphs 1 through 4 of the Complaint.
6. Regions is unable to admit or deny the allegations of this paragraph.

7. Admitted.

8. Regions is unable to admit or deny the allegations of this paragraph. To the extent, however, that the Plaintiff claims that the policy of insurance described does not provide or allow for coverage or benefits for the allegations of the lawsuit described in paragraph 7 of the Complaint, such allegations are denied and strict proof thereof is demanded.

9. Denied and strict proof thereof is demanded.

10. It is admitted that Regions contends that the “Auto-Owners policies of insurance cover some or all of the allegations, damages or actions contained in Complaint CV-04-251-M.” Regions is unable to admit or deny any other allegation of this paragraph.

11. Based upon information and belief, admitted.

12. Denied and strict proof thereof is demanded.

FIRST AFFIRMATIVE DEFENSE

As to the unnumbered paragraph of the Complaint begun with the term “Wherefore” and sub-parts A through E thereof, Regions denies that the Plaintiff is entitled to any or all of the relief requested.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff’s Complaint, and each count thereof, fails to state a claim upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

The Plaintiff’s claims are barred by one or more of the doctrines of waiver, estoppel, laches or unclean hands.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to bring its claims within the time period prescribed by relevant law.

FIFTH AFFIRMATIVE DEFENSE

Regions plead as it fully set forth herein at length the terms and conditions any and all relevant insurance policies issued by Auto Owners to Defendant Sunshine Camping Center, Inc.

SIXTH AFFIRMATIVE DEFENSE

Regions reserves the right to supplement or amend this Answer as additional defenses become known to it.

Respectfully submitted this 15th day of November, 2005.

s/ John G. Smith

Attorneys for Defendant,
Regions Bank, N.A.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I certify that on November 15, 2005, the foregoing was electronically filed with the Clerk of the Court of the Middle District of Alabama using the CM/ECF system which will send notification of such filing and/or that a copy of the foregoing has been served by United States Mail, properly addressed and postage prepaid to the following:

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s/ John G. Smith
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